

Snohomish County Department Of Public Works (DPW) Rules Adopted Pursuant to the Rulemaking Requirements of Chapter 30.82 SCC

***Providing Detail and Specificity for the Traffic Mitigation and
Concurrency Requirements of Chapter 30.66B SCC***

***All Rules herein are adopted pursuant to the delegation of authority in
SCC 30.66B.080.***

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4226 CREDITS FOR DEVELOPER CONSTRUCTION OF IMPROVEMENTS TO THE ROAD SYSTEM

4226.010 Applicability and/or Purpose

Adopted 9/10/95, First Revision 10/11/04

POL-4205 remains effective for development applications determined to be complete prior to September 10, 1995. The interim modification to POL-4205 of May 1, 1995, also remains in effect as a permanent modification to POL-4205.

4226.020 Credit for Developer Construction of Improvements

Adopted 9/10/95, First Revision 10/11/04, Second Revision 4/24/06

(1) As required by RCW 82.02.060(3), credit against a development's impact fee shall be provided for dedication of land for, or construction of, any road-system improvements that are identified in the Transportation Needs Report (TNR) as being part of the impact fee cost basis, and that are determined by the Department of Public Works (DPW) to be part of "ultimate" (as opposed to interim) road-system improvements, and that are imposed by the county as a condition of approval. Credits shall not exceed 100% of the amount calculated using the unit costs of the TNR impact fee cost basis as provided in DPW Rule 4226.020(6) below.

- (a) DPW Rule 4221 contains policies about credits for dedication or deeding of right-of-way.
- (b) DPW Rule 4221.060(5)(c) indicates that where a developer is eligible for credits from both the dedication of right-of-way and the construction of road improvements, compensation for right-of-way will be credited against the developer's impact fee payment before any construction value will be credited.
- (c) A construction project's preliminary engineering, construction engineering, and/or mobilization, may also be creditable, to the extent that the developer is responsible for these aspects of the project.

(2) Credit will be given against a development's road system impact fee, required by Chapter 30.66B SCC, for the construction of improvements to the road system only where they are identified in the Transportation Needs Report as part of the impact fee cost basis.

(3) The purpose of such credits is to prevent a developer from paying twice for the same improvement, first, as a cost associated with the construction of the actual road-system improvements, and second, as part of an impact fee payment.

(4) Creditable road-system improvements may include, but are not limited to, frontage improvements, improvements to eliminate inadequate road conditions, improvements to provide access and circulation, and improvements to remedy arterial units in arrears.

(a) In the case where DPW has determined that full standard or interim standard frontage improvements should not be built, yet the developer still wishes to build the full standard frontage improvements on a road that is part of the impact fee cost basis, limited credit may be given, as determined by DPW. Limited credit will be based upon those improvements which can be utilized as part of the ultimate improvements.

(b) Credit will be given for the construction of and delineation of pedestrian walkways when required by DPW only to the extent that improvements constructed are identified in the Transportation Needs Report as part of the impact fee cost basis.

(c) No credit will be given for the construction of minimum frontage improvements.

(d) The County may agree to provide credits against a developer's impact fees for construction of certain additional road-system improvements not needed strictly for the use and convenience of the occupants or users of the development if the developer voluntarily offers to construct such additional improvements in conjunction with the development, and the improvements are part of the impact fee cost basis, and the County has determined that the net cost to the County will be less than if the County constructed the improvements itself.

(5) Credits for construction of road-system improvements may not exceed the value of a development's impact fee even though the construction of improvements may still be required.

(a) In such cases, the developer may be eligible for a reimbursement contract (a.k.a., latecomer's agreement) under 13.95 SCC.

(b) Also, the County may agree to extend credits for construction of road-system improvements to more than one development in cases where a single developer has, or expects to have, more than one development within the same Transportation Service Area (TSA).

(i) Such agreement must be in writing and authorized by the County Engineer.

(ii) The agreement must be negotiated prior to the developer beginning construction.

(iii) The extent of the system improvements must exceed what is normally required of a particular developer (such as beyond frontage improvements).

(iv) The system improvements must have significant public value, such that the credit would be commensurate with the public benefit.

(v) For developments that have already paid impact fees, such "extended" credit shall only be an option in cases where the paid fees have not yet been budgeted or spent by the County on a road project.

(vi) For “future” developments whose impact fee has not yet been paid, such extended credit shall only be available for new developments which become vested within six years of when the County Engineer authorizes the credit/construction agreement.

(6) Credits will be based upon the dollar amounts used to compute the road needs costs in the impact fee cost basis as found in the Snohomish County Transportation Needs Report (TNR). The County will calculate the amount of credit by applying the relevant costs in the impact fee cost basis to the dimensions and/or quantities of constructed improvements, except that when the amount of such calculation exceeds \$100,000, the following shall apply. The initial credit shall only equal 85% of the amount calculated unless, and until, the developer provides copies of receipts and cancelled checks documenting that the actual costs of the improvements to the developer equaled or exceeded 85% of the amount calculated using the TNR impact fee cost basis. Then, the amount of the final credit shall be determined and shall not exceed the amount documented by receipts and/or cancelled checks and shall not exceed 100% of the amount calculated using the TNR impact fee cost basis. If the final credit amount has not been determined by the time the developer wishes to pay the impact fee, then the developer can choose to wait to pay the fee or can choose to proceed to pay the fee and have the County refund all or part of the fee if the final credit is determined within six months of fee payment.

4226.030 Requests for Credits and Application to Individual Units

Adopted 12/9/07

(1) The developer is responsible to request impact fee credits for road improvements in writing (or e-mail) and to provide the county with all documents and information the county determines are needed to calculate the credits. Such request and submittal of required information shall be made with the first submittal of the construction plans for the improvement for which credit is being sought. This will allow the calculation of credits to be completed sufficiently in advance of final development review so that the final plat mylar, site plan, and record of developer obligations accurately reflect the net per unit impact fee after application of all available credits.

(2) Credits applied to a development will be evenly distributed among any units that make up the development. For example, in a subdivision, the total amount of credits will be divided by the total number of new lots, and the same per-lot amount will be applied to each building permit application within the subdivision.